

ORDINANCE NO. 1160

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING NEW DEFINITIONS FOR ANCILLARY SERVICES AND BUSINESS SERVICES; AMENDING DEFINITIONS FOR INDUSTRIAL LEVEL 1 AND PERSONAL SERVICES; PROHIBITING PRIMARY, SECONDARY AND HIGHER EDUCATIONAL SCHOOLS, COMMUNITY RECREATION HALLS AND PARKS IN THE ED DISTRICT; ALLOWING RESTAURANT 1, PRODUCT SERVICES LEVEL 2 AND MARINE BOAT SALES LEVEL 1 USES IN THE ED DISTRICT; ALLOWING CLUBS, SALES LEVEL 1, 2 AND 3, AUTOMOTIVE FUEL-DISPENSING FACILITIES, RESTAURANT 2 AND 3, MARINE BOAT SALES LEVEL 2 AND MARINE INDUSTRIAL USES AS CONDITIONAL USES IN THE ED DISTRICT; ALLOWING INDEPENDENT LIVING FACILITIES IN THE ED DISTRICT ONLY WHEN IN COMBINATION WITH ASSISTED LIVING FACILITIES, SKILLED NURSING FACILITIES OR HOSPITALS; PROHIBITING FAMILY DAY CARE PROVIDERS, ADULT FAMILY HOMES, PRIMARY AND SECONDARY SCHOOLS, AND INDUSTRIAL LEVEL 2 USES IN THE PCD-BP DISTRICT; ALLOWING RESTAURANT 1 AND LODGING LEVEL 3 USES IN THE PCD-BP DISTRICT; ALLOWING HOUSES OF RELIGIOUS WORSHIP, SALES LEVEL 1, COMMERCIAL CHILD CARE, INDOOR AND OUTDOOR COMMERCIAL RECREATION, COMMERCIAL ENTERTAINMENT, AUTOMOTIVE FUEL-DISPENSING FACILITIES, RESTAURANT 2 AND 3, AND INDUSTRIAL LEVEL 1 USES AS CONDITIONAL USES IN THE PCD-BP DISTRICT; AMENDING THE INTENT STATEMENT OF THE ED DISTRICT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND DIFFERENTIATE THE DISTRICT FROM THE PCD-BP DISTRICT; AMENDING THE INTENT STATEMENT OF THE PCD-BP DISTRICT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN AND DIFFERENTIATE THE DISTRICT FROM THE ED DISTRICT; ADDING PERFORMANCE STANDARDS FOR SALES AND RESTAURANT USES IN THE ED DISTRICT AND PCD-BP DISTRICTS; AMENDING THE CATEGORY OF USES IN THE PCD-BP DISTRICT; ALLOWING BUSINESS SERVICES IN ALL DISTRICTS WHICH ALLOW PERSONAL SERVICES; AND ALLOWING ANCILLARY SERVICES IN ALL DISTRICTS WHICH ALLOW OFFICE USES; ADDING NEW SECTIONS 17.04.045 AND 17.04.201; AND AMENDING SECTIONS 17.04.424, 17.04.657, 17.14.020, 17.45.010, 17.45.040, 17.54.010, 17.54.025, 17.54.030 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the current intent statements of the Employment District (ED) and Planned Community Development Business Park (PCD-BP) zoning districts are nearly identical; however, the zones implement different land use designations and are located in areas of the City with different surrounding uses and constraints; and

WHEREAS, the city desires to amend the intent statements of the ED and PCD-BP zoning districts to be consistent with the Comprehensive Plan and to differentiate the two zoning districts; and

WHEREAS, the ED zoning district is an appropriate location for industrial type uses given the intent of the Employment Center land use designation;

WHEREAS, the PCD-BP zoning district is more suitable for business and professional office uses, with some light industry, given the district's location within the greater planned community development area in Gig Harbor North; and

WHEREAS, the city desires to amend the uses allowed in the ED and PCD-BP zoning districts to be consistent with the Comprehensive Plan and new intent statements; and

WHEREAS, the city desires to allow a limited amount of supporting and complementary service, restaurant, and recreational uses in the ED and PCD-BP zoning districts to provide services to tenants and patrons and to allow off-peak use in the districts; and

WHEREAS, retail sales, if subordinate to the principal uses, would be beneficial in the ED and PCD-BP zoning districts to support manufacturing, assembly and light industrial uses; and

WHEREAS, the primary and secondary school uses currently allowed in the ED and PCD-BP zones are incompatible with the intent of the districts and corresponding land use designations and should be prohibited; and

WHEREAS, the city recognizes the need to allow new business services and ancillary services in the ED and PCD-BP zoning districts to support the allowed office and industrial uses; and

WHEREAS, the city desires to add an ancillary services use category to allow services in office buildings which are directed primarily to employees, such as cafeterias and day care centers; and

WHEREAS, the city desires to prohibit exterior signage for ancillary services in order to assure that the service is directed to employees rather than primary destination users or pass-by users; and

WHEREAS, the city desires to allow ancillary uses in all zones which allow office uses; and

WHEREAS, the current personal services use category includes uses for both individuals and businesses; and

WHEREAS, the city desires to have a separate use category for business related services and allow such use in all zones which allow personal services; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on August 6, 2008; and

WHEREAS, on August 6, 2008, a copy of this Ordinance was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on February 19, 2009 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 11, 2009; and

WHEREAS, on May 26, 2009, the City Council held a second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new Section 17.04.045 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.045 Ancillary services

"Ancillary Services" means services primarily for the employees of a primary permitted use. Examples of such uses include day care centers, cafeterias and exercise facilities for the benefit of the employees. Ancillary services shall not have exterior signage.

Section 2. A new Section 17.04.201 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.201 Business services

"Business services" means an establishment engaged in providing services to individuals, business and professional office uses. Examples of such uses include: postal services, financial institutions, photocopying and reproduction services, janitorial services, graphic design services, advertising services, data processing services, employment agencies.

Section 3. Section 17.04.424 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.424 Industrial, level 1

“Industrial, level 1” means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semifinished product. Acceptable uses must have minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of acceptable uses include contractor’s office and/or shop, light assembly, light manufacturing, mailing and packaging facilities, warehousing, cinematography and video production facilities, research and development facilities, linen, diaper and similar supply services and laundry facilities.

Section 4. Section 17.04.657 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.657 Personal services.

“Personal services” means an establishment engaged in providing services involving nonmedical care of a person and/or his or her personal goods or apparel. Examples of such uses include: laundromats, drycleaners, barbers, hairstyling salons, spa services, photography studios, dance schools, karate schools, exercise facilities, ~~postal services, financial institutions, and photocopying services.~~

Section 5. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, as last amended by ORD 1148, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²²	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	P	C	C ²¹	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²³	-	-	P	C ²⁴	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	-	-	-	-	-

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C ¹⁹	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	P	C	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

- ³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- ⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.
- ⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- ¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- ¹⁴ Residential uses shall be located above a permitted business or commercial use.
- ¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- ¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.
- ²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²² Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²³ See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²⁴ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.

Section 6. Section 17.45.010 of Gig Harbor Municipal Code Chapter 17.45 Employment District (ED) is hereby amended, to read as follows:

17.45.010 Intent.

The employment district is intended to enhance the city's economic base by providing suitable areas to support the employment needs of the community. The employment district provides for the location of high quality design development and operational standards for manufacturing, product processing, technology research and development facilities, light assembly, and warehousing, distribution, contractor's yards associated support service and retail uses, business and professional office uses services, corporate headquarters, medical facilities and other supporting enterprises and complementary educational and recreational uses which are not detrimental to the employment district. Limited retail, business and

support services that serve the needs of the employment district tenants and patrons are allowed. The employment district is intended to be devoid of have limited nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

Section 7. Section 17.45.040 of Gig Harbor Municipal Code Chapter 17.45 Employment District (ED) is hereby amended to add new subsections N and O, to read as follows:

17.45.040 Performance standards.

* * *

N. Sales. Sales, level 1 and level 2; and, marine boat sales, level 2 uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

O. Restaurants. Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

Section 8. Section 17.54.010 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended, to read as follows:

17.54.010 Intent.

The business park district provides is intended to enhance the city's economic base by providing suitable locations within the planned community development area for the location of high quality design development and operational standards for business and professional offices, corporate headquarters, technology research and development facilities, light industry assembly and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises and complementary educational, recreational and entertainment uses which are not detrimental to the business park district. The district is not intended to support the general commercial needs of the community; however, limited retail, commercial and support services that serve the needs of the business park tenants and patrons are allowed. The business park district is intended to be compatible with adjoining neighborhoods and be devoid of nuisance factors and hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

Section 9. Section 17.54.025 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended, to read as follows:

17.54.025 Category of uses.

A. Category I Uses.

- ~~1. Primary schools;~~
- ~~2. Secondary schools;~~
- ~~3.~~ 1. Higher educational schools;
- ~~4.~~ 2. Vocational/trade schools;
- ~~5.~~ 3. Public/private services;
- ~~6.~~ 4. Parks;
- ~~7.~~ 5. Utilities;
- ~~8.~~ 6. Industrial, level 1;
- ~~9.~~ Industrial, level 2;
- ~~10.~~ 7. Hospital;
- ~~11.~~ 8. Community recreation hall;
- ~~12.~~ 9. Clubs and lodges.
10. House of religious worship
11. Recreation, indoor commercial
12. Recreation, outdoor commercial
13. Entertainment, commercial
14. Automotive fuel-dispensing facility

B. Category II Uses.

- ~~1. Family child care;~~
- ~~2. Adult family home;~~
- ~~3.~~ 1. Government administrative offices;
- ~~4.~~ 2. Personal services;
- ~~5.~~ 3. Professional services;
- ~~6.~~ 4. Product services, level 1;
- ~~7.~~ 5. Animal clinic;
- ~~8.~~ 6. Ancillary sales
7. Lodging, level 3
8. Business services
9. Ancillary services
10. Sales, level 1
11. Commercial child care
12. Restaurant 1
13. Restaurant 2
14. Restaurant 3

Section 10. Section 17.54.030 of Gig Harbor Municipal Code Chapter 17.54 Planned Community Development Business Park District (PCD-BP) is hereby amended to add new subsections O and P, to read as follows:

17.54.030 Performance standards.

* * *

O. Sales, level 1. Sales, level 1, uses are allowed if subordinate to the principal tenant use and occupy no more than 25 percent of the gross floor area of the principal tenant use.

P. Restaurants. Restaurant 2 and 3 uses are limited to no more than 25 percent of the gross floor area of a building.

Section 11. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 12. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 26th day of May, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 05/06/09
PASSED BY THE CITY COUNCIL: 05/26/09
PUBLISHED: 06/03/09
EFFECTIVE DATE: 06/08/09
ORDINANCE NO: 1160